

Craig Sanders (SBN: 284397)
csanders@sanderslaw.group
SANDERS LAW GROUP
333 Earle Ovington Blvd, Suite 402
Uniondale, NY 11553
Telephone: (516) 203-7600

Frances Lange (SBN: 304892)
flange@sanderslaw.group
SANDERS LAW GROUP
333 Earle Ovington Blvd, Suite 402
Uniondale, NY 11553
Telephone: (516) 203 - 7601

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Eva's Photography, Inc.,

Plaintiff,

v.

The Quality Edit, LLC,

Defendant.

Case No:

**COMPLAINT FOR:
(1) COPYRIGHT
INFRINGEMENT UNDER
17 U.S.C. §501
JURY TRIAL DEMAND**

Plaintiff Eva's Photography, Inc. ("*Plaintiff*"), by and through its undersigned counsel, for its Complaint against defendant The Quality Edit, LLC ("*Defendant*") states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Elder Ordonez ("*Ordonez*") created a photograph of British actress

1 Naomi Watts (the “*Photograph*”) in which Plaintiff owns the rights and licenses for
2 various uses including online and print publications.

3 3. Defendant owns and operates a website at www.thequalityedit.com (the
4 “*Website*”).

5 4. Defendant, without permission or authorization from Plaintiff, actively
6 copied and displayed the Photograph on the Website and engaged in this misconduct
7 knowingly and in violation of the United States copyright laws.

8 **PARTIES**

9 5. Plaintiff Eva’s Photography Inc. is a New York corporation and
10 maintains a principal place of business in Queens County, New York.

11 6. Upon information and belief, defendant The Quality Edit, LLC, is a
12 Delaware limited liability company with a principal place of business at 113 North
13 San Vicente Boulevard, Suite 236, Beverly Hills in Los Angeles County, California.

14 **JURISDICTION AND VENUE**

15 7. This Court has subject matter jurisdiction over the federal copyright
16 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

17 8. This Court has personal jurisdiction over Defendant because it
18 maintains its principal place of business in California.

19 9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does
20 business in this Judicial District and/or because a substantial part of the events or
21 omissions giving rise to the claim occurred in this Judicial District.

22 **FACTS COMMON TO ALL CLAIMS**

23 **A. Plaintiff’s Copyright Ownership**

24 10. Plaintiff is a professional photography company which is the legal and
25 rightful owner of certain photographs which Plaintiff commercially licenses.

26 11. Plaintiff has invested significant time and money in building Plaintiff’s
27 photograph portfolio.

1 12. Plaintiff has obtained active and valid copyright registrations from the
2 United States Copyright Office (the “USCO”) which cover many of Plaintiff’s
3 photographs while many others are the subject of pending copyright applications.

4 13. Plaintiff’s photographs are original, creative works in which Plaintiff
5 owns protectable copyright interests.

6 14. On January 19, 2021, Ordonez first published the Photograph. A copy
7 of the Photograph is attached hereto as Exhibit 1.

8 15. In creating the Photograph, Ordonez personally selected the subject
9 matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used
10 to capture the image and made each and every artistic determination necessary for
11 the creation of the work.

12 16. On March 17, 2021, the Photograph was registered by the USCO under
13 Registration No. VA 2-248-674.

14 17. Ordonez created the Photograph with the intention of it being used
15 commercially and for the purpose of display and/or public distribution.

16 18. Plaintiff acquired the rights in and to the Photograph by way of written
17 assignment.

18 **B. Defendant’s Infringing Activity**

19 19. Defendant is the registered owner of the Website and is responsible for
20 its content.

21 20. Defendant is the operator of the Website and is responsible for its
22 content.

23 21. The Website is a key component of Defendant’s popular and lucrative
24 commercial enterprise.

25 22. Upon information and belief, Defendant has not implemented adequate
26 internal policies to verify copyright ownership before content use, indicating a gross
27 negligence in legal compliance, which is essential for a company with Defendant’s
28

1 reach, capabilities, and level of sophistication.

2 23. Upon information and belief, Defendant's internal policies, if any, are
3 either not designed to verify copyright ownership before content use or are
4 systematically ignored, indicating a willful, recurring disregard for copyright
5 compliance.

6 24. Defendant's failure to adopt or effectively enforce internal copyright
7 policies, if any, indicates *de facto* willful infringement.

8 25. On or about March 6, 2023, without permission or authorization from
9 Plaintiff, Defendant volitionally copied and displayed the Photograph on the Website
10 as part of an on-line story at URL: [https://www.thequalityedit.com/articles/ashton-kutcher-](https://www.thequalityedit.com/articles/ashton-kutcher-is-the-latest-celebrity-to-sport-cariumas-sustainable-sneakers)
11 [is-the-latest-celebrity-to-sport-cariumas-sustainable-sneakers](https://www.thequalityedit.com/articles/ashton-kutcher-is-the-latest-celebrity-to-sport-cariumas-sustainable-sneakers). A copy of a screengrab
12 depicting the Infringement is attached hereto as Exhibit 2.

13 26. The Photograph was intentionally and volitionally copied and stored by
14 Defendant at URL: [https://assets-global.website-](https://assets-global.website-files.com/5ebb1b2c07f0f111e4ac241c/657afdeeea4cb65f60f023e2_naomiwatts.webp)
15 [files.com/5ebb1b2c07f0f111e4ac241c/657afdeeea4cb65f60f023e2_naomiwatts.webp](https://assets-global.website-files.com/5ebb1b2c07f0f111e4ac241c/657afdeeea4cb65f60f023e2_naomiwatts.webp).

16 27. The Infringement is a copy of Plaintiff's original image that was directly
17 copied and displayed on the Website by Defendant.

18 28. Plaintiff first observed the Infringement on February 18, 2024.

19 29. Upon information and belief, the Photograph was copied and displayed
20 by Defendant without license or permission, thereby infringing on Plaintiff's
21 copyrights in and to the Photograph.

22 30. The Infringement includes a URL ("*Uniform Resource Locator*") for a
23 fixed tangible medium of expression that was sufficiently permanent or stable to
24 permit it to be communicated for a period of more than a transitory duration and
25 therefore constitutes a specific infringement.

26 31. Upon information and belief, Defendant takes an active and pervasive
27 role in the content posted on its Website, including, but not limited to copying,
28

1 posting, selecting, commenting on, and displaying images including but not limited
2 to Plaintiff's Photograph.

3 32. Upon information and belief, Defendant directly contributes to the
4 content posted on the Website by, *inter alia*, directly employing reporters, authors,
5 and editors as its agents, including but not limited to Hallie Katz whereby listed on
6 Defendant's Website as "Editor and Content Strategist" (hereinafter the
7 "*Employees*").

8 33. Upon information and belief, at all material times the Employees were
9 acting within the course and scope of their employment when they created the
10 Infringement.

11 34. Upon information and belief, at all material times the Employees were
12 acting within the course and scope of their agency when they created the
13 Infringement.

14 35. Upon information and belief, the Photograph was willfully and
15 volitionally posted to the Website by Defendant.

16 36. Upon information and belief, Defendant was aware of facts or
17 circumstances from which the determination regarding the Infringement was
18 apparent. Defendant cannot claim that it was not aware of the infringing activities,
19 including the specific Infringement which forms the basis of this complaint, since
20 such a claim would amount to only willful blindness to the Infringement on the part
21 of Defendant.

22 37. Upon information and belief, Defendant engaged in the Infringement
23 knowingly and in violation of applicable United States copyright laws.

24 38. Upon information and belief, Defendant had complete control over and
25 actively reviewed and monitored the content posted on the Website.

26 39. Upon information and belief, Defendant has the legal right and ability
27 to control and limit the infringing activities on its Website and exercised and/or had
28

1 the right and ability to exercise such right.

2 40. Upon information and belief, Defendant has received a financial benefit
3 directly attributable to the Infringement.

4 41. Upon information and belief, the Infringement increased traffic to the
5 Website and, in turn, caused Defendant to realize an increase in its business
6 revenues.

7 42. Upon information and belief, a large number of people have viewed the
8 unlawful copy of the Photograph on the Website.

9 43. Upon information and belief, Defendant at all times had the ability to
10 stop the reproduction and display of Plaintiff's copyrighted material.

11 44. Defendant's use of the Photograph harmed the actual market for the
12 Photograph.

13 45. Defendant's use of the Photograph, if widespread, would harm
14 Plaintiff's potential market for the Photograph.

15 46. On June 12, 2024, Plaintiff, via counsel, served a letter seeking to
16 address the complaints contained herein concerning Defendant's infringement of
17 Plaintiff's rights-protected work.

18 47. Thereafter, on July 26, 2024, and July 30, 2024, Plaintiff, via counsel,
19 served a follow up letter seeking to address said complaints directly with Defendant
20 in attempt to avoid litigation.

21 48. Despite Plaintiff's efforts and willingness to address Defendant's
22 infringing activity, the parties failed to resolve the instant matter and Plaintiff was
23 forced to seek judicial intervention for Defendant's infringing activity.

24 49. Further, despite Plaintiff's notification to Defendant concerning its
25 infringing activity, Defendant continues to infringe on Plaintiff's work thereby
26 establishing the willful nature of its conduct.

27 50. As a result of Defendant's misconduct, Plaintiff has been substantially
28

1 harmed.

2 **FIRST COUNT**

3 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

4 51. Plaintiff repeats and incorporates by reference the allegations contained
5 in the preceding paragraphs, as though set forth in full herein.

6 52. The Photograph is an original, creative work in which Plaintiff owns a
7 valid copyright.

8 53. The Photograph is properly registered with the USCO and Plaintiff has
9 complied with all statutory formalities under the Copyright Act and under
10 regulations published by the USCO.

11 54. Plaintiff has not granted Defendant a license or the right to use the
12 Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in
13 the copyright to Defendant.

14 55. Without permission or authorization from Plaintiff and in willful
15 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
16 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
17 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
18 copyrights.

19 56. Defendant's reproduction of the Photograph and display of the
20 Photograph constitutes willful copyright infringement.

21 57. Upon information and belief, Defendant willfully infringed upon
22 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that
23 Defendant used, published, communicated, posted, publicized, and otherwise held
24 out to the public for commercial benefit, Plaintiff's original and unique Photograph
25 without Plaintiff's consent or authority.

26 58. As a result of Defendant's violations of Title 17 of the U.S. Code,
27 Plaintiff is entitled to an award of actual damages and disgorgement of all of
28

1 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
2 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
3 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
4 504(c).

5 59. As a result of the Defendant's violations of Title 17 of the U.S. Code,
6 the court in its discretion may allow the recovery of full costs as well as reasonable
7 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

8 60. As a result of Defendant's violations of Title 17 of the U.S. Code,
9 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
10 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

11 **JURY DEMAND**

12 61. Plaintiff hereby demands a trial of this action by jury.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiff respectfully requests that the Court enters a
15 judgment finding that Defendant has infringed on Plaintiff's rights to the
16 Photograph in violation of 17 U.S.C. §501 *et seq.* and therefore award damages
17 and monetary relief as follows:

- 18 a. finding that Defendant infringed Plaintiff's copyright interest in
19 and to the Photograph by copying and displaying it without a
20 license or consent;
- 21 b. for an award of actual damages and disgorgement of all of
22 Defendant's profits attributable to the infringements as provided
23 by 17 U.S.C. § 504(b) in an amount to be proven or, in the
24 alternative, at Plaintiff's election, an award for statutory damages
25 against Defendant for each infringement pursuant to 17 U.S.C. §
26 504(c), whichever is larger;
- 27 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
28

- 1 from any infringing use of any of Plaintiff's works;
2 d. for costs of litigation and reasonable attorney's fees against
3 Defendant pursuant to 17 U.S.C. § 505;
4 e. for pre-judgment interest as permitted by law; and
5 f. for any other relief the Court deems just and proper.
6

7 DATED: May 8th, 2025

8 **SANDERS LAW GROUP**

9 By: /s/ Craig Sanders
10 Craig Sanders, Esq.
11 333 Earle Ovington Blvd, Suite 402
12 Uniondale, NY 11553
13 Tel: (516) 203-7600
14 Email: csanders@sanderslaw.group
15 File No.: 130045

16 By: /s/ Frances Lange
17 Frances Lange, Esq.
18 333 Earle Ovington Blvd, Suite 402
19 Uniondale, NY 11553
20 Tel: (516) 203-7601
21 Email: flange@sanderslaw.group

22 *Attorneys for Plaintiff*
23
24
25
26
27
28